

# **OPERATING BUDGET MEETING**

## **OF THE**

### **PUBLIC WORKS COMMITTEE**

#### **Minutes**

The Public Works Operating Budget Meeting was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Smithtown, New York, on Tuesday, **October 25, 2005** at 9:30 a.m.

#### **MEMBERS PRESENT:**

Legislator Peter O'Leary

Legislator John Kennedy

#### **ALSO IN ATTENDANCE:**

Gail Vizzini • Director BRO

Charles Bartha • Commissioner of Public Works

Richard LaValle • Chief Deputy Commissioner DPW

Laura Conway • DPW/Fiance

Read Vail • DPW/Finance

Bill Hillman • DPW

Cliff Hymowitz • Transportation Advisory Board

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

**(\* THE MEETING WAS CALLED TO ORDER AT 9:57 A.M. \*)**

**ACTING CHAIRMAN O'LEARY:**

Can I have your attention. I've been advised that I do not need a quorum to start this meeting, so I'm going to start the meeting. The Budget Meeting for Public Works is hereby called to order. I'm going to start with the meeting by asking all to rise for the Pledge of Allegiance led by Deputy County Executive Ben Zwirn.

**SALUTATION**

**ACTING CHAIRMAN O'LEARY:**

Don't take that as a sign of good faith, Ben, I looked up you and were the first one I saw. I have one card here for the public portion, Cliff Hymowitz. Cliff, how are you?

**MR. HYMOWITZ:**

Thanks.

**ACTING CHAIRMAN O'LEARY:**

Cliff, as per our rules and regulations, you have three minutes.

**MR. HYMOWITZ:**

I'll do the best I can. You can cut me off when you want.

**ACTING CHAIRMAN O'LEARY:**

Really? Well, thank you very much for being here.

**MR. HYMOWITZ:**

No problem. Hopefully you have it in writing anyway, so. My name is Cliff Hymowitz. I'm the Chairperson of the Suffolk County Transportation Advisory Board. I am before you today not looking for money, rather to share with you my concerns and determine if they can be

substantiated. My concerns are based on my interpretation of the information I reviewed in the proposed 2006 Operating Budget.

Staffing, there are few authorized positions in the proposed Year 2006 budget than those in Year 2002. The number of positions filled since the County's offer of early retirement has decreased. There's an increased estimate •• there's been an estimated 13% increase in ridership from 2003 to 2005. My concern is if the Transportation Division is being provided with the necessary staffing to provide transportation demands as there is a continual increase in ridership.

State aid, the adopted 2005 Operating Budget included \$8.8 million state operating assistance. Suffolk County STOA funding for the New York State fiscal year, which is March, 2005 to April, 2006 was increased by 34.4%, which is equal to \$768,000 per quarter and 1.5 million to date. As a result of the amount adopted in the 2005 Operating Budget, this 1.5 million is not specifically dedicated to transportation. The proposed 2006 Budget includes \$11 million in STOA, a 1.09 million less than the \$12.9 million that we received from the state. The cost operating the present transportation continues to exceed the funding support we receive. My concern is if we don't dedicate at least a portion of the increased funding support to provide service, how will we ever provide the necessary service to meet the demand.

Service, the 2006 proposed Budget includes the additional funding in contracted agencies to fund the S•92 route. There's no money in the 2006 Budget for increased service on the S•92. The service that will be provided with the recommended funding does not meet the present demand. My concern is that service being provided with the money included in the 2006 Budget will not address the present ridership demand. The first three and the last three buses are leaving people behind.

Mandated contractual expenses, the 2006 proposed Budget includes \$22.3 million MCTA•Aid to

Long Island Railroad. What legislation created that mandate? What modification to the legislation can address the service and/or contractual amount of the mandate? The MTA has an anticipated \$76 million in surplus. My concern is that Suffolk County will not realize any portion of that surplus. The County should request a portion the surplus.

Human Service transportation, the action plan implemented by the Executive Order on Human Services transportation has the following goals; consolidate access, address regulatory barriers, do coordinated planning, and address cost allocation. Suffolk County funds transportation service for transportation •• education for children with disabilities, transportation for the indigent, and CSS transportation for people with psychiatric disabilities which amounts to a million dollars. There's also transportation in managed care. I put a question mark, because God knows what this costs us in Medicaid.

There is an overall lack of coordination for the myriad of transportation activities and funding in each state. This causes fragmented and duplicated transportation services that fail to meet comprehensive transportation needs. In response, states are beginning to employ coordination as a highly effective tool to provide substantially improved transportation service at little or no additional cost. Suffolk County lacks overall coordination of transportation resources. It is inevitable that the mandate for coordination will reach the local level, especially where •• as New York State is a Home Rule state. My concern is that this committee has the primary jurisdiction over mass transportation, which does not include human service transportation. Thank you very much.

**ACTING CHAIRMAN O'LEARY:**

Is it safe to assume, Mr. Hymowitz, that you are not satisfied with the current transportation arrangements within the County?

**MR. HYMOWITZ:**

No. I think that more of my concern is that I feel that there has to be more definitive policy decisions. And my frustration is that I've unable to identify these. So I'm hoping that this committee will help the board to identify where these policies should be made and what they will you be.

**ACTING CHAIRMAN O'LEARY:**

This is a special committee on the budget itself. Is there any concerns that you have with that that you haven't outlined in the handout that you've given to us?

**MR. HYMOWITZ:**

I'd say that •• I'd just like stay with these, because I think these will have a broad range of effect if we address these issues. The main one is the S•92. I'm really concerned ••

**ACTING CHAIRMAN O'LEARY:**

The S•92 route?

**MR. HYMOWITZ:**

•• that if we don't give any additional money and just sustain current level continue we're going to continue to turn people away, and these are people that go to work. So I think it definitely needs to be, you know, reconsidered. And also the staffing issue. You know, I realize that we're trying to stay within a certain budget, but I think we have to look at is the demand being met, are the positions available that have direct impact on services. So those are the two main

things.

**ACTING CHAIRMAN O'LEARY:**

Okay. Thank you very much, and thank you for your strong advocacy for the people that you represent and the system •• the transportation system. You've a very good advocate for it.

**MR. HYMOWITZ:**

Thank you.

**ACTING CHAIRMAN O'LEARY:**

You're welcome. Okay. I have no other cards. I would guess then that Commissioner Bartha, if you would come up, please.

**COMMISSIONER BARTHA:**

Good morning. With me is Laura Conway, Director of Finance Administration and Read Vail our Budget person.

**ACTING CHAIRMAN O'LEARY:**

You care to make an opening statement regarding the proposed budget, then I'll get into some specific questions?

**COMMISSIONER BARTHA:**

I would say this is the eighth consecutive year in a row that I was happy with the County Executive's budget.

**ACTING CHAIRMAN O'LEARY:**

You're a survivor.

**COMMISSIONER BARTHA:**

We basically submitted a cost•to•continue•budget. We asked for very few positions, one that we identified as particularly important to us and is included in the County Executive's recommendation is an Assistant Director of Highway and Fleet Administration. That will allow us to have a second in command in that important area of the department. Other than that, I would urge you not to •• I'd urge the Legislature not to reduce or increase the turnover savings because we are optimistic about being able to fill positions next year based on the budget as presented.

**ACTING CHAIRMAN O'LEARY:**

I'll get to the questions afterward. Gail, can you just give me an overview of the BRO report with respect to •• as it pertains to Public Works?

**MS. VIZZINI:**



Sure. Most of our findings are summarized in the front of our report on page 19. I'll just highlight a few of those for you. As far as staffing, Public Works has 20 fewer authorized positions than it did in 2004. Energy is a concern for Budget Review. Based on this last LIPA surcharge and based upon a thorough review of our expenditures to date, we believe that our energy costs in the General Fund are underestimated by about 2.1 million for 2005, and we will need an additional 2.3 million in 2006.

There were certain contract agencies that we could not determine whether the contracts had actually been moved forward from either the department or the County Executive's Office, so we had some questions regarding those. The six custodial positions that were provided in the Omnibus resolution •• the 2005 Omnibus still remain vacant. In the event that the Bay Shore Health Center is reopened, additional funds will be needed to pay for the lease, if it's a lease situation. Snow removal costs, we point out that in 2005 we have spent a million•seven more than we adopted, but the 2006 recommended budget does show a 6.7% increase over the average expenditures in the past couple of years in snow removal.

**ACTING CHAIRMAN O'LEARY:**

The next issue, I'm looking here at your report, is the print shop.

**MS. VIZZINI:**

Yes. The print shop is presented as part of Public Works, the Legislature has not yet approved the Charter amendment to solidify that.

**ACTING CHAIRMAN O'LEARY:**

Let's stay on that issue for just a second. The Charter Law change has not been effected, so

therefore, it's our opinion that the print shop is still under the auspices of Civil Service, but the Executive Branch acting as if it's under DPW, because of the employees assigned there, their salaries, etcetera are under that particular budget. So if we move •• if we move the employees salaries that are currently under DPW's budget in the print shop back to Civil Service, then that would take care of the issue that we have been asking about for the last year or so, correct?

**MS. VIZZINI:**

That would conform the budget to status of the legislation.

**ACTING CHAIRMAN O'LEARY:**

Okay. Charlie, would you care to comment on that, on the print shop coming under the auspices of DPW as opposed to Civil Service? Is it just that this is something that occurred as a result of the budgetary processes of the administration?

**COMMISSIONER BARTHA:**

I'd be glad to comment on it. The print shop had been under our auspices a number of years ago, it was transferred to Civil Service. I'm not really sure why. There was no, as far as I know, any operational issues. We are an operating, we are really the main operating department in the County, and that's an operating function, I believe. So we can react better, they're in the same building as we are. I think it works well with them as part of Public Works. As a matter of fact, when they were not part of Public Works, I would often get calls from people thinking it still was under Public Works about newsletters and those kinds of things. I am very happy to have it at Public Works.

**ACTING CHAIRMAN O'LEARY:**

Was it your request that it come back under Public Works?

**COMMISSIONER BARTHA:**

No.

**ACTING CHAIRMAN O'LEARY:**

Okay. All right. Rather than having Gail go on with respect to the overview of the Public Works' budget, I'm going to ask some specific questions. Your concerns about the anticipated increase in costs for energy, the energy cost, you are of the opinion that you are funded appropriately for '06?

**COMMISSIONER BARTHA:**

I think Gail and Roz's presentation is certainly better informed than at the time we were doing our projections. Our projections were prior to Hurricane Katrina and the different impacts on energy, so I think it is •• would be prudent to put additional funds there. I'd just be concerned where the funds would come from for that.

**ACTING CHAIRMAN O'LEARY:**

I would be remiss if I did not bring up the next subject, which is the jail and the impact that it's going to have on •• or what we think it's going to have on the Capital Projects approved in the '06•'08 program. What's your feelings on that? The County Executive has indicated some increases in cost almost totaling \$20 million for the jail, and there is an indication that there's some •• some leaning toward finding those monies in the approved Capital Projects for '06. Are

you aware of that?

**COMMISSIONER BARTHA:**

Yes.

**ACTING CHAIRMAN O'LEARY:**

Would you care to comment on that?

**COMMISSIONER BARTHA:**

We're prepared to advance the Capital Program, including the jail with the ••

**ACTING CHAIRMAN O'LEARY:**

Including the projects that have been approved for '06?

**COMMISSIONER BARTHA:**

Yes. With the positions that we have in the budget. We were given additional positions last year in anticipation of the jail being handled by Public Works, and we expect to be able to progress the full Capital Program with those •• with these consultants, as well, as we always do on major projects.

**ACTING CHAIRMAN O'LEARY:**

So then •• in your opinion then, the Capital Projects approved for '06 are not in jeopardy of being shelved or put on the back burner?

**COMMISSIONER BARTHA:**

Well, that becomes more of a Capital Budget question as to whether ••

**ACTING CHAIRMAN O'LEARY:**

Well, that's why we're here. This is a budget meeting. Okay.

**COMMISSIONER BARTHA:**

That's really a policy issue that the Exec's Office, I think, would have to address. What I'm saying is we are capable and prepared to advance with the staff that we have in the Operating Budget.

**ACTING CHAIRMAN O'LEARY:**

Good morning, John.

**LEG. KENNEDY:**

How are you, Mr. Chairman?

**ACTING CHAIRMAN O'LEARY:**

How's the traffic?

**LEG. KENNEDY:**

I tell you, it was just terrible out there, absolutely terrible.

**ACTING CHAIRMAN O'LEARY:**

Would you care to say something?

**LEG. KENNEDY:**

Yes. As a matter of fact ••

**ACTING CHAIRMAN O'LEARY:**

Legislator Kennedy.

**LEG. KENNEDY:**

•• to pick up on this, and you know, try to go ahead and ask the Commissioner about a specific

Capital Project in my district that he knows that I have an interest in.

**ACTING CHAIRMAN O'LEARY:**

Is it the sound wall?

**LEG. KENNEDY:**

Well, no. The sound wall is a whole other issue. That's something that we could go on and on and on about, I guess, but we'll save the sound. The Fourth Precinct, the Fourth Precinct is scheduled to go ahead and, I guess, start in '06, correct?

**COMMISSIONER BARTHA:**

Late '06 we should be prepared to bid that project. We've awarded the design contract, and that work will start shortly.

**LEG. KENNEDY:**

Okay. So just to follow up, I guess, on what the Chairman talked as far as the possibility to having to compromise other Capital Projects, what would you say about that project in particular, is that in any jeopardy as far as the funding goes at this point?

**COMMISSIONER BARTHA:**

No. No. That's a project that there's a lot of pressure and interest to do something about it, you

know, you're aware of, and we feel and we are moving that project ahead as a priority.

**LEG. KENNEDY:**

Okay. Well, obviously I'm pleased to hear that from my own perspective, but then it also sounds like, I guess, we should be identifying each and every project that's in there that we have as far as priorities, to communicate that, so that there's a sufficient level of interest.

**COMMISSIONER BARTHA:**

Well, if there's to be any changes made to the Capital Budget, it would have to be done through offsets with the participation of the Legislature.

**LEG. KENNEDY:**

Hi, Ben, how are you? You want to add anything to this soliloquy?

**MR. ZWIRN:**

I was just going to say the same thing. Any offsets that the County Exec proposed to use for the construction of the jail in '06 would you say have to come back before the Legislature for approval. So it's not going to be done unilaterally.

**LEG. KENNEDY:**

What was the impetus to go ahead and have this additional \$20 million spike? What changed in



the last month or two as far as what the design concept was that was being advanced?

**COMMISSIONER BARTHA:**

It really goes back to the beginning of the year when we had our first initial cost estimates. At that time, we didn't have the kind of detail to do a thorough cost estimate. We had to come forth with a figure before we were prepared to. That was part of it. There's also that there was a considerable increase in steel and concrete over the past year. And the cost figures for construction on Long Island are significantly higher than elsewhere in the state.

**LEG. KENNEDY:**

Agreed. I mean, all of those things, I guess, are facts and they're indisputable. So in January of '06, you looked at, I guess, the total square footage and the composition you had to construct, and you basically went with a rough estimate as far as the price of concrete and steel and wiring and everything else and came up with a number, and now, ten, eleven months later, you've been able to, what, further refine what the price per yard is, price per foot for steel or the price for pulling wire or what? How did that move? That's what I don't understand.

**COMMISSIONER BARTHA:**

It's a more detailed estimate now. Before it was simply an estimate based on square footage of different types of space. Now, as you are saying, we have more detail as to the amount of concrete, the amount of steel, the space utilization is better defined. And what we've done, in order to keep it as close as possible to the budget, we've come up with a plan where we will renovate •• renovate and expand the existing dormitories, four of the existing dormitories for use again as a prison, as a jail.

**LEG. KENNEDY:**

So that existing space. And eyeballing it at this point, it's cheaper to go ahead and renovate the existing space then to construct new? How much of that do you pick up? How much square foot are the four dormitories?

**COMMISSIONER BARTHA:**

The four dorms will house 200 prisoners.

**LEG. KENNEDY:**

Is that how you are figuring it? In other words, I think our responsibility is to go ahead and have first phase, which is designed to accommodate 620 prisoners, is that it, something to that effect?

**COMMISSIONER BARTHA:**

Right now the first phase will house 700 prisoners.

**LEG. KENNEDY:**

Seven hundred prisoners. And of that, you have existing space that you will retrofit that will accommodate 200, so you're constructing new space to go ahead and accommodate an additional 500 prisoners?

**COMMISSIONER BARTHA:**

I'll just take some notes for myself as I'm doing this. We're planning to construct 360 new cells, new single cells. We will have 120 prisoners in the precast membrane structure that we are constructing now. Some people call it a sprung, but sprung is a trade name, and that's not the firm that was the low bidder. Then we have 200 prisoners in the dorms, the renovated dorms. Right now, there's 280 prisoners in there, and that's why there's variances. We're going to expand it and reduce the number to 200, which will allow them to be without variances. And there will be 20 persons in a medical •• 20 cells in the medical area, infirmary area. And if I'm correct, that gives us 700, yes, 700, capacity for 700 prisoners without any variances.

And we would be building the core space for them as well, meaning the booking and visitation areas. All of this will provide tremendous efficiencies to the corrections •• the Sheriff's Office and Corrections operations, because we're talking about direct supervision, which means the Corrections Officer will be right in each of the pods. It's the type of corrections that's being used throughout the country now. It's something the COC strongly endorses instead of having multiple officers in there.

**LEG. KENNEDY:**

I understand that there's been a lot of design and, you know, comparison nationwide as far as, you know, the ultimate design selected and things like that, which is good to hear. Obviously we want, you know, our personnel protected and certainly, you know, the prison population housed as economically as possible. But, I guess •• I'll just go one more step with it then give it back to the Chairman. So we are here now in October and you've got this price tag that's jumped another 20 million. Are you •• are you reasonably comfortable that we're looking at that being the cost to construct going forward predicated on the fact that it will how long before you actually start any of the physical work?

**COMMISSIONER BARTHA:**

Yes, I'm comfortable with these cost figures. They are •• we're anticipating that we will bid in the spring of next year the cell package. They will be precast cells. And it will go out with what we're calling an early site package later in the year, then the bulk of the jail would be bid in the following year. I don't have that schedule in front of me, I wasn't anticipating discussing this right now. But we do have •• we have received a schedule from the consultant Friday, which we have gone back over with him to refine some of the time periods.

**LEG. KENNEDY:**

Okay. I think •• obviously I don't want to take up much more time, but my question is really going to if the price moved 20 million predicated on three things; better refining of what it is that you're going to construct, inflation associated with cost of materials, then, I guess, a combination as far as what we're talking about in space configuration, we're talking about now another six to eight months to elapse before you let the actually authority to construct even just the cells, did you build in an escalator in this price clause, or we going to be talking about another five, ten, 15 million in the spring?

**COMMISSIONER BARTHA:**

The costs are projected to the mid point of construction, so, yes, we did build in a price increase. And some of the efficiencies I mentioned are more costly. For instance, the pods, there are six pods involved here of new cells. We're planning to build those in a circular configurations, which is necessary to have direct supervision, this way you have a good line of sight for the Corrections Officer. Doing them in a circular fashion costs an extra million dollars for each pod, but it's money that's well spent. When you look at the salaries versus the construction cost, it pays off in approximately two years to spend this extra million dollars per pod. These are the kinds of things that we have been looking at.

**LEG. KENNEDY:**

All right. And last, last item, you talked about the cell packages of the cell package, I guess, that's being let in the spring, are they being constructed off site or is that actually •• are they prefabs that are going to be trucked in or shipped in?

**COMMISSIONER BARTHA:**

They will be constructed on Long Island. It is conceivable they would, because this is a big enough project, that somebody would want set up a fabrication plant right on our site where they would be constructed on site. There are also manufacturers on Long Island, including Middle Island, that have national ties to firms that do this type of work, precast concrete jail cells.

**LEG. KENNEDY:**

Okay. So the intention basically is to construct the units, and then they are going to be assembled, I guess, after the individual units are constructed. Obviously •• okay.

**ACTING CHAIRMAN O'LEARY:**

You said that was the last, last, last question.

**LEG. KENNEDY:**

What can I say? Thank you, Mr. Chairman.

**ACTING CHAIRMAN O'LEARY:**

Because this gave rise to some of my questions. As you know, I've been sitting on that SCFROC Committee, so I'm somewhat familiar with what has transpired over the last year or so with respect to the jail. But at the most recent meeting, you were given some direction by COC to come up with a schedule.

**COMMISSIONER BARTHA:**

Correct.

**ACTING CHAIRMAN O'LEARY:**

And the variances do expire November 1st, so is that well underway as far as ••

**COMMISSIONER BARTHA:**

Yes.

**ACTING CHAIRMAN O'LEARY:**

••giving COC a schedule?

**COMMISSIONER BARTHA:**

Yes. Yesterday, we had completed our review. We asked the consultant to make a couple of

changes to it. We expect to have it in the County Exec's hands if not the end of today, the first thing tomorrow.

**ACTING CHAIRMAN O'LEARY:**

As I expressed, you know, my feelings at a particular meeting, the longer we wait, in my opinion, the more costly this project is going to be. And all parties are in agreement that we do need to construct something. I mean, it's clear that that is going to occur one way or the other. We will have some sort of a jail built in Yaphank. But the controlling entity here is the COC, and specifically they've •• with the variances that they've given, they clearly gave a number of between 1800 and 2000 beds, inmates, to be housed here in Suffolk County with the Riverhead and the Yaphank facility combined. Now, if Riverhead can handle 770 •• is that the number?

**COMMISSIONER BARTHA:**

I don't know.

**ACTING CHAIRMAN O'LEARY:**

That is the number. At least, this is what I'm told.

**COMMISSIONER BARTHA:**

Is that without variances?

**ACTING CHAIRMAN O'LEARY:**

Seven•seventy is the legal limit for the Riverhead facility. And the numbers you just gave, Charlie, total 700 for Yaphank.

**COMMISSIONER BARTHA:**

Right.

**ACTING CHAIRMAN O'LEARY:**

Now, that falls about anywhere from four to 600 short. So how will the County or DPW address that anticipated question from COC when they're looking for facilities to house anywhere •• they said 2000, but they gave us a little bit of a leeway, I think they were talking about 18, 1900 they would be happy with, how is it going to be suggested to address that shortage of beds?

**COMMISSIONER BARTHA:**

The way the jail project is funded in the Capital Program, it's two phases.

**ACTING CHAIRMAN O'LEARY:**

Well, the proposal, the most recent proposal eliminated a phase two, which the COC was not too happy with. That was my read on it.

**COMMISSIONER BARTHA:**



You are right. There was one proposal that was a one-stage proposal for 1100 beds. The proposal that we are going forward with 700 in the first phase is definitely a two-stage proposal. And it's flexible with respect to the amount of cells in the second phase, because it's simply a matter of adding pods on. So between the County Executive's Office's initiatives on alternatives to incarceration, they're hoping to reduce the number of prisoners held in combination with this, there's definitely a second phase associated with this project. The size of it may be in question, but there's definitely a second phase.

**ACTING CHAIRMAN O'LEARY:**

All right. So the second phase would have to total anywhere between three to 400 beds if these figures are accurate.

**COMMISSIONER BARTHA:**

Yes. I believe the second phase we're talking about now is about 480 cells.

**ACTING CHAIRMAN O'LEARY:**

Okay. So with the 1470 that would bring up to numbers that the COC can so-called in quotes live with.

**COMMISSIONER BARTHA:**

We have a meeting •• our people are going up to Albany on November 3rd with COC to go over the plans for both phases.

**ACTING CHAIRMAN O'LEARY:**

The schedule?

**COMMISSIONER BARTHA:**

Well, the schedule and the plans for phase one and showing how phase two would be incorporated into the project.

**ACTING CHAIRMAN O'LEARY:**

I'm encouraged by your statement that you have the ability, if you will, to advance and initiate the Capital Projects for '06 with the understanding that the jail is looming out there. It's just a question of budgetary concerns and matters, you know, going forward. That's something that we can deal with with the administration with respect to going forward. But are there any other issues within Public Work or public transportation that you have some budgetary concern, whether it be underfunded or •• I'm sure you're not going to give us anything that's overfunded. How about the Riverhead County Center, what's the status of that? Is that on schedule, the renovations?

**COMMISSIONER BARTHA:**

We've received bids on the first phase last week, they were within budget and actually right on the cost estimate. So we were encouraged by that, and yes, they will be proceeding on schedule. I'm not saying •• I'm not sure what you mean by schedule, but we •• because that job has been scheduled probably going back ten years at different times, but we finally have the funding in place. The contract as I said •• the first phase of it was advertised, and we are in the process of evaluating the bids and we're proceeding with an award, because as I said, it was within budget and also the bidders are people that we have had experience with and they are responsible bidders.

**ACTING CHAIRMAN O'LEARY:**

What about the sewage •• South Shore •• Southwest Treatment Facility, isn't that undergoing some renovations?

**COMMISSIONER BARTHA:**

Some major renovations. We recently received bids on a \$28 million renovation for replacing the belt presses, it's part of the dewatering process of the sludge. And that •• those contracts will be awarded and that work will start shortly. We have in design the incinerators •• replace the existing incinerators, which are inoperable at this time, as well as, you know, the latest technology in incineration.

**ACTING CHAIRMAN O'LEARY:**

That's it?

**COMMISSIONER BARTHA:**

That's it.

**ACTING CHAIRMAN O'LEARY:**

I thought you had the last, last, last question.

**LEG. KENNEDY:**

That was on that one. This is on another one.

**ACTING CHAIRMAN O'LEARY:**

Okay. Legislator Kennedy.

**LEG. KENNEDY:**

Thank you. With the Riverhead project, is it still scheduled for the Kunsella Court Actions area, is that going to be the first piece that's going to be addressed with the addition there?

**COMMISSIONER BARTHA:**

Yes. The addition on the record storage with the Clerk's area, yes.

**LEG. KENNEDY:**

Okay. Any idea when it's going to actually start, construction is going to start?

**COMMISSIONER BARTHA:**

We'll be awarding the contracts within the next month and a half, I would say, then we will get a construction schedule from the contractors. We plan to share it with you at that time.

**LEG. KENNEDY:**

Just two other areas, if I can. I apologize if you have gone over these already. With sewer districts, Sewer District 18 here in Hauppauge, that is still scheduled as far as work in '06, or is that out to '07?

**COMMISSIONER BARTHA:**

We are in design with that now. I'm not sure where it's scheduled, but either late '06 or early '07 would belong.

**LEG. KENNEDY:**

You're in design and acquisition at this point.

**COMMISSIONER BARTHA:**

Yes.

**LEG. KENNEDY:**

There's some condemnation and things like that.

**COMMISSIONER BARTHA:**

Correct.

**LEG. KENNEDY:**

All right. And the last area I just wanted to touch on was transportation. I don't know if you had a opportunity to talk about that already. This is just some observations, I guess, and requests and things that I have had through my own office. From your perspective, Charlie, how are you able to go ahead and address simple phone calls and, you know, citizen requests for information and things such as that?

**COMMISSIONER BARTHA:**

In the transportation area?

**LEG. KENNEDY:**

Yeah. Bus schedules. Basically, people calling up wanting to know when they're going to be able to get a bus, where and at what time.

**COMMISSIONER BARTHA:**

That's obviously been problematic. We spoke to the Exec's Office just a day or two ago, and we are anticipating a clerk typist position to be released to help out on that task.

**LEG. KENNEDY:**

Again, you know, the little bit that I've been able to find out is you actually have just one individual at this point who is fielding phone calls. But I guess the question I would go to is, you know, coming from the technology perspective, have you investigated or looked at attempt to go ahead and utilize some automated scheduling or something that gives individual operators, you know, access to perhaps, you know, transportation packages online things like that? Are there • • is there anything that you guys are doing to address ramping up? I mean, we have a bus system that covers, you know, hundreds of miles of roads.

**COMMISSIONER BARTHA:**

There is scheduling information available online. Stony Brook University worked with us a number of years on that. We have recently •• one of the Legislators has sent us some information on a voice mail type system to guide people through. We're investigating that. We've looked at those things in the past, and frankly, they were not user friendly enough to address the needs of the costumers in this regard, but there may have been improvements, and we're looking at that now.

**LEG. KENNEDY:**

Anecdotally, my sense would be that many people who are looking to get basic scheduling information and things like that may not have access to a computer. You know, telephone in particular for handicapped individuals that are having to work with assisted devices and things such as that.

**COMMISSIONER BARTHA:**

I think you are correct on that.

**LEG. KENNEDY:**

As far as the overall scheduling, probably I need to talk to Bob and to Cliff about this as far as just the actual scheduling that goes on at this point for the bus routing. I have heard, again, anecdotally, you know, some horror stories trying to go ahead and travel from west end to east end on the 62 and some of the other ones.

**COMMISSIONER BARTHA:**

We would be glad to sit down with you and go over the schedules and how they are established. To improve scheduling really involves •• we are pretty much maximizing what we can do with the number of buses we have and the budget we have. Every time you look to tweak it, it's one of these situations where something has to give some place else. It's not a service that anyone is prepared to give in any area.

**LEG. KENNEDY:**

Okay. Thank you.

**ACTING CHAIRMAN O'LEARY:**

Thank you. I'm going to switch gears and go into Water Quality, the 477 Fund, Ben. There's a recommendation on the part of BRO concern that •• there's a concern that the individuals transferred from DOL and a few other into DPW salaries, payrolls are coming out of the 477 Fund, and it totals about •• Gail, is it about \$3 million?



**MS. VIZZINI:**

Correct.

**MR. ZWIRN:**

That's between Parks and ••

**ACTING CHAIRMAN O'LEARY:**

I just want to hear the Administration's explanation on why those individual salaries are being kept in the 477, which I don't think was original intent of the 477 Fund for salaries.

**MR. ZWIRN:**

I think the philosophical decision is that they're working on environmental water quality programs. And the issue becomes whether you go out and hire consultants and private companies to do the work or you use the people who are on the County payroll. Now, a lot of these positions were lost in the Labor Department when state and federal grants ran out and were not renewed. And it was through no fault of the people who were operating under those grants and that money, so an effort was made, you know, working cooperatively with the Legislature to find funds, otherwise those people would have been laid off. And the 477 money, if they had been laid off, would have been used to hire consultants to do the work that these people are now doing with the Stewardship Program in Parks, the work with the scallops and all the other work that's been going on that the Legislature and the County Executive have worked • have tried to do water improvement •• water quality improvement programs across Suffolk County.

So this is a renewable revenue source. And it was just a philosophical decision to say instead of increasing the General Fund and then using this money to hire consultants to do they work, why don't we use the people that we have already on board. We have renewable revenue source •• if it was being used for some other project, if it was not for a 477 type of initiative, we would say • then there would be a stronger argument not to use it. But it's one of philosophy. And I think that it certainly a novel way to do it. But I think, if you look at it, I think it does make a lot of sense, because as I said, it's not just a one shot revenue, it's a revenue that does come in. Again, if you're going to spend the money to have somebody else do it, we might as well do it in •house with people that are already on the County payroll.

**ACTING CHAIRMAN O'LEARY:**

I think there are some 65 or 67 people that are assigned to this particular function, and I'm just curious as to what it is that they are doing, the 65, 67 people in the Water Quality?

**MR. ZWIRN:**

I think Commissioner Foley this afternoon in the Parks portion of the budget hearings will talk to the people that are •• that are working in his department, some are in the stewardship program. But we've checked, we want to make sure that they are working and doing the things that we anticipated they would be doing. And from what we understand, that's exactly what's happening, they're working on the Aquaculture Program, there's a whole host of things they're working on. But they are assigned to those departments and working with the projects, again, associated with 477 initiatives.

**ACTING CHAIRMAN O'LEARY:**

All right. If it's determined that they're not working specifically on those projects that deal with 477 issues, what would your position be with respect to that?

**MR. ZWIRN:**

I think the County Executive said then those •• they should be •• those positions should be eliminated from the budget.

**ACTING CHAIRMAN O'LEARY:**

Where would they be assigned, Charlie, if these 65 •• how many people is it?

**COMMISSIONER BARTHA:**

Public Works has eight.

**ACTING CHAIRMAN O'LEARY:**

Eight? So where do you get the number of 65?

**MS. VIZZINI:**

That's in total; Parks, Public Works, Health and Planning.

**ACTING CHAIRMAN O'LEARY:**

And all 65, their functions are dedicated specifically to the issues that •• and the responsibility of the Water Quality •• is there a department, a Water Quality Department?

**COMMISSIONER BARTHA:**

No. No.

**ACTING CHAIRMAN O'LEARY:**

So these individuals are assigned to Planning, Parks and DPW.

**COMMISSIONER BARTHA:**

And Health, I believe also.

**ACTING CHAIRMAN O'LEARY:**

And Health. And their functions deal strictly with water quality initiatives that come under the auspices of, you know, the 477 Fund?

**COMMISSIONER BARTHA:**

The eight with Public Works certainly do. What they're involved with are this catch basin program of inserts that was implemented as a Legislative initiative, and that's what those people

are doing. They've helped inventory the locations, identified the different types of basins so that when we purchase the inserts we get the right ones.

**ACTING CHAIRMAN O'LEARY:**

Okay. So there's only eight that you can speak of, Charlie, right?

**COMMISSIONER BARTHA:**

Right.

**ACTING CHAIRMAN O'LEARY:**

And that's exactly what they are doing, they're dealing strictly with 477 issues?

**COMMISSIONER BARTHA:**

I was just corrected, it's nine.

**ACTING CHAIRMAN O'LEARY:**

Nine?

**COMMISSIONER BARTHA:**

Yes. But they are strictly on 477 issues. And that's something that was made very clear to us in the beginning when the persons were first transferred to us. And we operate that way with our sewer district personnel also, that it's a separate taxing entity, and we have very discrete functions for people in those type of appropriations.

**ACTING CHAIRMAN O'LEARY:**

What would be an example of another type of function besides the catch basins that these individuals will be charged with?

**COMMISSIONER BARTHA:**

That's really •• everything they're doing is related to that.

**ACTING CHAIRMAN O'LEARY:**

That's what they're doing, that's their specific responsibility?

**COMMISSIONER BARTHA:**

Right. They are helping out with paperwork involved with the record keeping. And the whole program that we'll be getting off the ground very shortly, it's all the preliminary work necessary for the bidding and awarding the contracts.

**ACTING CHAIRMAN O'LEARY:**

Then I guess •• with respect to the other employees, the question of the particular commissioner, Foley in Parks, and I guess the director Tom Isles in Planning ••

**MR. ZWIRN:**

We'll get you the ••

**ACTING CHAIRMAN O'LEARY:**

And Dr. Harper in Health.

**MR. ZWIRN:**

Mr. Chairman, we will get you a list of the individuals and where they assigned and what they're doing. Some of the committees have already met, and I don't think that question was asked. But we will provide that for you. And again, if they're not doing 477 work ••

**ACTING CHAIRMAN O'LEARY:**

Well, just so you know, there's a mindset that we can transfer them over to the General Fund. We're told there's a total of some \$3 million in salaries. I think that's the number that Gail has given to us.

**MR. ZWIRN:**

I believe that's correct.

**ACTING CHAIRMAN O'LEARY:**

It's a question of philosophy.

**MR. ZWIRN:**

Absolutely. Again, if there are positions in there that aren't doing 477 work •• they're not doing public relations, I mean, they haven't been used to try to do positions that otherwise would be funded clearly with the General Fund. And the positions •• if they're not doing the work that they're supposed to be doing, then those positions should be done a way with and removed from the budget.

**LEG. KENNEDY:**

Mr. Chairman.

**ACTING CHAIRMAN O'LEARY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you. In this same line as far as philosophy goes, there's a finite number of catch basis here on County roads, over 400 miles of roadway, whatever that number is, 1000, 1500, whatever. They're going to be inventoried. They're going to be addressed as far as what



remediation is. There's a lifetime on those catch basins, ten years, 15 years, 20 years. What are nine people going to do after that?

**COMMISSIONER BARTHA:**

Those inserts actually have to be replaced in 12 months or less, depending on the type of •• how much water is going into them and how much containments are in that water. We will have a sampling program that's undertaken to see whether they are performing as they were supposed to perform, as well as once they become contaminated where the media has to be replaced or they become clogged with leaves, they're going to be more prone to clogging than the catch basins are now, that's the kind of maintenance that these people will be involved with.

**LEG. KENNEDY:**

So you anticipate this function as being something that sustaining and is going to taking up the time of nine FTEs going forward?

**COMMISSIONER BARTHA:**

Yes. It was one of our big concerns when this insert program was first discussed, the ongoing maintenance associated with it. So this actually addresses •• it wound up to be, from an operating perspective in our department, a good opportunity to staff up to handle that.

**LEG. KENNEDY:**

I agree with you. But I think, you know, from a philosophical point what we've talked about is in the event that, you know, we got hit with Wilma or we get Alpha or we get something else and you need crews in order to go ahead and do things like simple storm damage, road clearing, tree

cutting, things like that, from this philosophy, those nine folks are not accessible, correct?

**COMMISSIONER BARTHA:**

In an emergency what we would do is •• well, first off, clearing basins is one of the things that would have to happen in a hurricane.

**LEG. KENNEDY:**

You have to go down the roads to get to the basins.

**COMMISSIONER BARTHA:**

We would •• we can do a charge•back. We've done that in our Sanitation, as I said, which is a discrete budget, when we've had to use those people in other areas, and we can charge the General Fund if we had them working on General Fund matters and reimbursed to the Water Quality Fund.

**LEG. KENNEDY:**

Now, I'm really confused with the philosophy. So in other words, if you see there's a particular need to go ahead and have them do other types of work, that's okay as long as the money keeps coming out of 477?

**MR. ZWIRN:**

You're talking about a natural disaster, in which case, it's all hands•on deck, and that means everybody, yourself, County Exec's staff that's, you know, in management is going to go out there and do whatever it takes to keep the people of this County served. So I think that's the only situation that we're talking about, an absolute natural disaster. But generally, our budgets are based on people that are going to be doing the job that they're assigned to do. And I think that's the only •• that's my understanding.

**COMMISSIONER BARTHA:**

Absolutely. We have not used them any place else yet. I was responding to your question about a major disaster situation.

**MS. VIZZINI:**

Just to clarify one thing, the 2006 Recommended Budget brings the Public Works staffing level of 477 positions to 17. The Water Quality Unit is transferred from the energy •• the dissolution of Energy and Environment. So those people that had been in Public Works two years are coming back. So you will have the Water Quality Unit and the Stormwater Remediation in it.

**ACTING CHAIRMAN O'LEARY:**

Which would total 17 people?

**MS. VIZZINI:**

Yes.

**ACTING CHAIRMAN O'LEARY:**

Seventeen employees.

**COMMISSIONER BARTHA:**

Those people that's work was going to be part of this other department that wasn't •• didn't come to fruition, they're technical people, they're involved in all of the water quality projects. I was addressing the people that came from Labor into Public Works, and those had been assigned to the insert projects. They are blue collar staff.

**ACTING CHAIRMAN O'LEARY:**

Under the '06 Capital Budget pay•as•you•go projects, Charlie, 10.5 million has been authorized, if you will, in the '06 Capital Project for strengthening and improving County roads. Can you explain that particular function, it is individual projects, smaller projects, it is repaving, is it strengthening and improving County roads? It does not come under a major Capital Project or does it?

**COMMISSIONER BARTHA:**

No. What this is is we have 1400 lane miles of County roads. When we have a major widening or reconstruction program, that's a separate Capital Program. What this is is basically drainage improvements, resurfacing, curb work sometimes. When you have a road that you are satisfied with the design both with respect to capacity and safety but the pavement is starting to deteriorate, we resurface it. And Nichols Road was recently done on •• that project is how that was funded. That's scattered throughout the County. And when we come for the funds to be appropriated, we give a list of where we anticipate using those funds specifically.

**ACTING CHAIRMAN O'LEARY:**

So that's basically a pool •• a pool of monies, if you will, that are used, that are dipped into for purposes of the smaller projects, repaving, etcetera?

**COMMISSIONER BARTHA:**

Yes.

**ACTING CHAIRMAN O'LEARY:**

To your knowledge, has that pool of money ever been bonded for these projects?

**COMMISSIONER BARTHA:**

It used to be bonded before the whole pay•as•you go philosophy came up, yes?

**ACTING CHAIRMAN O'LEARY:**

Would that have an impact, a direct impact on the ability to put out bids or award the contracts for these projects if the entire 10.5 is bonded?

**COMMISSIONER BARTHA:**

It wouldn't impact un in Public Works.

**ACTING CHAIRMAN O'LEARY:**

At all?

**COMMISSIONER BARTHA:**

No.

**ACTING CHAIRMAN O'LEARY:**

Okay. That's a discussion that's ongoing in the budget work group with respect to that 10.5. I might add it's not unanimous, just so you know.

**COMMISSIONER BARTHA:**

Gee. I would urge that it is a very important project, and that's one the situations whereby making an investment now it keeps roads from deteriorating and needing major reconstruction in the future. So it's money well spent. I would hate to see that lost. And also, each spring we revise our anticipated list based on the damage we suffered over the winter. That's what this fund is used for.

**ACTING CHAIRMAN O'LEARY:**

Well, there's a mindset to continue the amount that's been approved in the '06 Capital Budget

for pay•as•you•go. But there's also messages being sent that because of the jail and the increased cost of some \$20 million that perhaps some of these projects will be placed on the back burner and not given the priority that they should be given. So I just want you to know that we're of that mindset. We want •• you know, the '06 Capital Budget has been approved, and we want •• we don't want them to be sacrificed at the cost of the •• the anticipated cost •• the future cost of the jail. I think Mr. Zwirn understands fully what we're trying to accomplish here with respect to the pay•as•you•go.

**MR. ZWIRN:**

Yes. I think the County Exec understands. Everybody doesn't always disagree, but the process goes forward, which is •• which is healthy.

**ACTING CHAIRMAN O'LEARY:**

Is there anybody else? Legislator Kennedy. It's a tag•team match here today.

**LEG. KENNEDY:**

My perennial question, tell me about the sound study.

**MR. ZWIRN:**

That's Capital Budget, that's not Operating.

**LEG. KENNEDY:**

But then again, we talked about the concern that there would certain Capital Budget •• Capital Project compromise, so we opened the door. Talk to me about my sound study.

**MR. ZWIRN:**

Well, there's nobody •• there's no position in the Operating Budget to maintain it if it should be built. I think it's just one of those •• it's a constant debate, and I know that the Public Works Commissioner has thought for a long time about how this can be accomplished. I think everybody would love to be able to alleviate the sound. There are people certainly suffering unbearable noise from the roads and traffic that is in their communities. And I think the only thing that was ever •• the County Executive was opposed to was the cost is just so exorbitant, it's just unbelievable. Perhaps there's another way, and I know that •• I think, Charlie, at one time you were trying to find if it could be burned, if there could be some other way to accomplish this kind of result by getting the sound down without spending the kinds of dollars that it seems to require. You know, I think that •• well that contract is on the 12th Floor I'm sure being reviewed along with the others.

**LEG. KENNEDY:**

Again, I mean, I appreciate the philosophy. And my point really isn't just to go ahead and take up time, actually it's to talk about specifics. And I guess I would direct this question both the you, Charlie, and also to Legislative Counsel. And you hit the essence of it right now as to where it's at, Ben, which is the contract. And in the field, I guess, of legal term, us as an entity, we went through the process, we let the contract, we had the bids, we selected a bidder, there was a review and agreement, a meeting of the minds as far as scope of work to be covered, an initial signature as far as our side from the department, approval by the County Attorney. The question now is at what point does that become moot, all that work that went on? Is there a dropping off point as to the contract now for intent and purposes being state? Parties will no longer be bound. I mean, if somebody gets into a contract and there's not ultimate execution, that doesn't keep parties obligated in perpetuity. That's the essence of where we are at right



now. While the philosophy and the all other things that we talk about that are very ethereal go on up there, here's where we are at as far as the four corners of the instrument. That's the concern. Where are we as far as time goes with something like this?

**MS. KNAPP:**

Before I can answer that question, I have a question. Is that recitation accurate, Legislator Kennedy's recitation about the sequence of events?

**COMMISSIONER BARTHA:**

Basically, except I just would say that it wasn't a bid, it was a 104•B procurement. So the 45 day retirement is not there.

**MS. KNAPP:**

That may be helpful in responding to your question, that the opportunity is still there to move forward with the contract.

**LEG. KENNEDY:**

But there is some point where a lot of the representations that were originally made as far as cost and things like that, the submitter is longer going to be bound just based on the fact that time has run. We talk about increases in steel, concrete and everything like that. Vendors have increases in costs as well. So over a certain period of time, they're no longer bound.

**MS. KNAPP:**

My understanding is this is design work study as opposed to hard •• you know, a hard contract that requires procurement of materials and labor contracts. This is •• you know, this is more of a study. So you can be less concerned about that.

**LEG. KENNEDY:**

I'm somewhat, you know, comforted by hearing that we have some window here. However, I guess the message that I'd send back to you again is this is not something that's going to be cured by perpetual debate. And we went through all the philosophical stuff. We're at the point now where it is just plain simply an unwillingness on part of the administration to perform the ministerial act. That's the issue.

**MR. ZWIRN:**

Let me promise you that I will go back today and I will find out what the current status is, and I will contact you personally.

**ACTING CHAIRMAN O'LEARY:**

That's assuming that Paul's at work today.

**MR. ZWIRN:**

Where else would Paul be?

**ACTING CHAIRMAN O'LEARY:**

You're right. What a silly thought that was.

**MR. ZWIRN:**

It could be Sunday and we would be talking about it.

**ACTING CHAIRMAN O'LEARY:**

All right. One of the •• in closing •• unless you want to make a summary, Charlie, on the proposed budget of the Executive with respect to your department.

**COMMISSIONER BARTHA:**

No, thank you. I appreciate the time.

**ACTING CHAIRMAN O'LEARY:**

You have had enough. Just bear in mind though that one of the key issues is that in his proposed budget, the Executive only proposed 5 million of the \$24 million pay•as•you•go approved Capital Budget for the pay•as•you•go projects. So, you know, we have a list here of the '06 pay•as•you•go projects, and among them is the 10.5 for the roadway improvements. Just so you're aware of that, okay? Gail, do you wish to comment on that at all as far as the proposed pay•as•you five million and the authorized '06 some 24 million?

**MS. VIZZINI:**

Just as you said, there is a shortfall of almost \$20 million. I mean, it's a policy option if we proceed with bonding. I checked the local Financial Law. Depending on the materials used and the purpose of the strengthening and improving, you can bonds those projects from five to 15 years, depending on what it is. It is a policy option. But as a recurring cost, that is one of the criteria that we •• for which we established pay•as•you•go.

**ACTING CHAIRMAN O'LEARY:**

5•25•5. Yeah. Okay. Anything else, Commissioner Bartha, or? Read, why were you here today?

**MR. VAIL:**

I just wanted to hear you.

**ACTING CHAIRMAN O'LEARY:**

Any closing comments, Commissioner?

**COMMISSIONER BARTHA:**

No. I thank you, and I thank the Budget Review Office. It was a pleasure as usual working with Roz and Gail. I think they did a good analysis.

**ACTING CHAIRMAN O'LEARY:**

Absolutely. I'd have to concur with that. The BRO Office did a fantastic job in putting together their analysis of the proposed 2006 budget. Is there anyone else here who wishes to speak before the committee before I adjourn? Nobody? Okay. What is it you want to speak on.

**MR. HYMOWITZ:**

I'll speak after.

**ACTING CHAIRMAN O'LEARY:**

Okay. This meeting is adjourned. Thank you very much.

**(\* THE MEETING WAS ADJOURNED AT 10:58 A.M. \*)**

**\\_ \\_ DENOTES BEING SPELLED PHONETICALLY**